

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14431 of Cafritz, et al., as amended, pursuant to Sub-section 8207.2 (3108.1, DCMR 11) and Paragraph 8207.11 (3107.2, DCMR 11) of the Zoning Regulations, for a special exception under Paragraph 3105.42 (353.1, DCMR 11) to permit a subdivision and new residential development of sixteen row dwellings, four semi-detached and one detached single family dwellings and for variances from the rear yard requirements (Section 3304.1) (404.1, DCMR 11), in an R-5-A District at premises 3306-3330 B Street, S.E. and 109-125 - 34th Street, S.E., (Square 5414, Lots 7, 8, 9, 14, 15, 16, 17, 18, 19, 802, 804, 805, 806, and 808).

HEARING DATES: June 11, 1986 and March 11, 1987
DECISION DATE: March 11, 1987 (Bench Decision)

FINDINGS OF FACT:

1. On June 11, 1986, the Board of Zoning Adjustment heard the original version of the application. At that time, the Board suggested to the applicant that he meet with the Office of Planning to see if the degree of variance relief needed could be reduced. Additionally, the Board recommended that the applicant consider the site plan amendments recommended in the OP report of June 6, 1986 as well as address other issues raised during at the time of the hearing. The application was amended to seek permission for the construction of 16 row, four semi-detached and one detached single family dwellings. The revised plans eliminated the lot occupancy variance requested originally .

2. The site is located at the intersection of 34th and B Streets, S.E., south of East Capitol Street in the Greenway neighborhood area. The site is known as premises 3306-3330 B Street, S.E. and 109-125 - 34th Street, S.E. The site is in an R-5-A District.

3. The site consists of an undeveloped triangular lot.

4. The neighborhood area surrounding the site is characterized by a variety of residential development including row dwellings. Baltimore and Ohio Railroad tracks in the C-M-1 District, followed by the Anacostia Freeway and Anacostia River, are located to the and west of the site.

5. By revised memorandum dated March 2, 1987, the Office of Planning (OP) recommended approval of the amended application. The OP reported that the proposed site plan has been revised to substantially reduce the degree of variance needed, as well as address the conditions of the June 6, 1986 OP report.

6. By memorandum dated March 31, 1986, the Superintendent of the D.C. Public Schools reported that the proposal will have no adverse effects on the operations and facilities of the District of Columbia Public Schools. Ample capacity is available at the schools in the vicinity to accommodate any increase in student population.

7. By letter dated June 4, 1986, the Advisory Neighborhood Commission (ANC) 6C reported its support for the application.

8. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the Applicant is seeking a special exception, the granting of which requires substantial evidence that the Applicant has complied with the requirements of Paragraph 3105.42 (353.1, DCMR 11) and Sub-section 8207.2 (3107.2, DCMR 11) of the Zoning Regulations.

The Board concludes that the Applicant has met the burden of proof. The Superintendent of D.C. Public Schools reported that existing and planned area schools were adequate to accommodate the proposed development. The Office of Planning recommended approval of the application.

The Board further concludes that the Applicant is seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan. The Board concludes that the Applicant has met the burden of proof. Lots 20 and 21 have adequate lot area, 3,299 square feet and 4,233 square feet respectively but they are unable to provide the required rear yards because of their irregular shapes. Lots 18 or 19 are especially irregularly shaped and exceed the lot occupancy allowance by marginal amounts. The

structures proposed for these lots are of comparable size to the other proposed structures.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled.


Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The Applicant shall take reasonable measures to abate noise transmission including but not limited to the following: Double Thermal Glazed Windows will be installed throughout the project.
2. Four inch thick roll blanket insulation with a R-19 value shall be installed in the exterior envelope.
3. H.V.A.C. heat pumps shall be installed throughout the project allowing windows to remain closed.
4. Lots 12 and 21 shall have a continuous stockade fence six feet in height and continuous white pine screen planting six feet on center along their northwest property lines.
5. Three half inch round continuous steel reinforcing boards shall be placed in the concrete footings to help abate vibration damage.
6. Half inch round continuous steel reinforcing bars two feet on center each way shall be placed in the four inch concrete floor slab to help abate vibration damage.
7. Construction shall be in accordance with the plans marked as Exhibit No. 38 of the record.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, Patricia N. Mathews and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

JUN 2 1961

UNDER SUB-SECTION 3103.1 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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